



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

JOHN DOE, on behalf of themselves and all  
others similarly situated,

*Plaintiff,*

v.

PROMEDICA HEALTH SYSTEMS, INC.

*Defendant.*

Case No. 3:20-cv-01581

Hon. Jack Zouhary

Electronically Filed

**DECLARATION OF RICHARD M. SMITH**

1. My name is Richard M. Smith and I am of sound mind, over the age of eighteen years old, capable of making this Declaration, and personally acquainted with the facts stated herein.
2. I am currently the owner and a consultant with Boston Software Forensics LLC of Boston, Massachusetts. For approximately the last 15 years, I have been providing consulting services to the legal industry. These consulting services primarily involve the analysis of software systems to understand how they operate. My consulting services have been employed in areas such as IP-related litigation and privacy and security reviews. Previously I have worked at the Privacy Foundation as the chief technology officer (CTO) and I was a founder and CEO of Phar Lap Software, Inc. I have a Bachelor of Science degree in Computer Science from North Carolina State University, class of 1974. I began working in the computer software field in 1972.
3. On August 1, 2020, I performed data analysis of transmissions that the source code deployed at the ProMedica.org web-property causes to be made to third party companies.
4. On August 1, 2020, I observed that ProMedica appears to have removed Facebook source code from the ProMedica.org property which generates Facebook Pixels. In addition, I found no Quantcast tracking pixels being used on the ProMedica.org property.

5. ProMedica has continued to deploy source code and tracking pixels from Google Analytics.

SIGNED

A handwritten signature in black ink, appearing to read "Richard M. Smith". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

---

Richard M. Smith  
August 3, 2020